



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/757,605

01/15/2004

Atsushi Fukuzato

NEG-329US

4925

21254 7590 10/16/2008
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

KEEHN, RICHARD G

ART UNIT

PAPER NUMBER

2456

MAIL DATE

DELIVERY MODE

10/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/757,605	Applicant(s) FUKUZATO, ATSUSHI	
	Examiner Richard G. Keehn	Art Unit 2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 16-25, 31-40, 46-51, 57-62, 68-73 and 75 is/are rejected.
- 7) ☒ Claim(s) 11-15, 26-30, 41-45, 52-56, 63-67, 74 and 76-78 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-78 have been examined and are pending.

Allowable Subject Matter (previously indicated)

1. Claims 11-15, 26-30, 41-45, 52-56, 63-67, 74 and 76-78 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
2. Claims 74 and 76-78 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

3. Upon further examination, Examiner recognizes the possibility that the phrase in Claim 1 "each object having unique information and a URL (Uniform Resource Locator) for accessing to said information processing server for updating" can be either interpreted as

- a. having unique information and *unique* URL, or
- b. having unique information and a URL (*not necessarily unique*).

Examiner used interpretation "a" in the prior office action. However, Examiner took another look into the previous disclosure for support of Applicant's recent argument that the cited prior art Takahashi et al. do not teach having "a *unique* URL for *each*

Art Unit: 2456

object.” (see Page 30, line 5 of Applicant’s arguments) Examiner looked to the previously submitted claims and found no support for a unique URL for each object. Examiner looked to the specification for support and found no mention of unique URL, let alone for each object. Nor was there any indication, express or implied, that each object has its own unique URL. Examiner looked at the drawings and found no indication that each URL is unique. Examiner then looked to amended Claim 2 which recites “a unique URL of said *group of objects*” (emphasis added) which directly conflicts with Applicant’s argument that each object has its own unique URL. All of this coupled with the absence of any indication in the amended claim language that *each object has a unique URL* strongly persuades examiner that interpretation “b” above is what was originally disclosed. Applicant’s arguments on pages 29 and 30 with respect to cited prior art Takahashi et al. or the cited combination used to disclose originally submitted Claim 1, with respect to interpretation “b” above, is not persuasive. As stated in the prior Office Action, Takahashi et al. disclose the server’s URL. In addition, Applicant’s attempt to indicate that each group of objects has its own unique URL is not supported (e.g. in amended Claims 2, 4, 17, 19, 32 and 34), is **new matter**. (see new 35 U.S.C. 112 rejection below)

4. In response to applicant's argument that Cedola, Greenberg, Merrill, Eldridge and Christopher are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24

Art Unit: 2456

USPQ2d 1443 (Fed. Cir. 1992). In this case, all of the cited prior art references are classified in the computer field, most of which under networking, all of which relevant and *well* known to one of ordinary skill in the art.

5. In response to applicant's arguments that the cited art references would not have been combined, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

6. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). (e.g. Applicant requested Examiner to provide an explanation of how the teachings of Cedola apply to *each and every* feature of the claimed invention on Page 32 of Applicant's arguments).

7. Applicant's arguments, see Page 30, filed 6/30/2008, with respect to the grouping of Claims 3, 18 and 33 into Claims 1, 16 and 31 have been fully considered and are persuasive. However, the limitations found in Claims 3, 18 and 33 not taught in Claims 1, 16 and 31 are found in previously claimed Claim 2, therefore these claims will be rejected again. (see below)

8. Applicant's amendments and arguments, see Pages 28-29 and 39-40, filed 6/30/2008, with respect to Claim Objections have been fully considered and are

Art Unit: 2456

persuasive. The objection of Claims 2, 4, 5, 7, 17, 19, 20, 22, 32, 34, 35, 37, 46, 48, 57, 59, 68 and 70 has been withdrawn.

9. Applicant's amendments and arguments, see Pages 28-29, filed 6/30/2008, with respect to 35 U.S.C. 112 have been fully considered and are persuasive. The rejection of Claims 68-78 has been withdrawn.

10. Applicant's remaining arguments filed 6/30/2008 with respect to claim rejections under 35 U.S.C. 103 of Claims 1-10, 16-25, 31-40, 46-51, 57-62 and 68-78 have been considered but they are not persuasive. See rejections below for details.

11. Takahashi et al., Cedola et al., Greenberg et al., Merrill et al., Eldridge et al. and Christopher et al. were cited as prior art in the previous office action. The teachings that are applicable are respectfully maintained and incorporated by reference as set forth in the last office action.

Drawings

12. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, each and every limitation must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Examples of limitations not included in the drawings include, but are not limited to:

Art Unit: 2456

- said information processing server *referring to said install list to select an object* for transmission from said plural objects stored in said server storage device to transmit the selected object
- said information processing server *also referring to said installed list to form a list of unneeded objects, among the objects of said group of objects*, said unneeded object being an objects which becomes unnecessary when said selected object has been installed on said terminal storage device
- *wherein said selected object and the deleted objects are stored in said terminal storage device as an updated group of objects by said mobile terminal*
- at least one mobile terminal connected to said network and including a terminal storage device having stored therein an object group among said plural objects, said mobile terminal sending an install request to said information processing server; *said install request including an install list representing a needed object among said plural objects that is necessary for installation and an installed list representing said group of objects installed in said terminal storage device*
- wherein *said install request further includes an installed list including therein unique information and a unique URL of said group of objects*

- wherein *said management unit forms an installed list stating unique information and a unique URL of said group of objects*

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

- 13.** The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 2456

14. Claims 2, 4, 17, 19, 32 and 34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Claims 2, 17 and 32 recite “unique URL of said object group” which was not disclosed in the previously disclosed specification, drawings or claims.

Claim Rejections - 35 USC § 103

15. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

16. Claims 1, 2, 5, 6, 8, 3, 4, 46, 47, 49, 16, 17, 20, 21, 23, 18, 19, 57, 58, 60, 31, 32, 35, 36, 38, 33, 34, 68, 69 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,332,025 B2 (Takahashi et al.), and further in view of US 6,928,458 B2 (Cedola et al.).

As to Claims 1, 16, and 31, Takahashi et al. disclose an invention substantially as claimed, including an information processing system, mobile terminal and server, hereby referred to as “the system”, comprising:

an information processing server connected to a network and including a server storage device having a plurality of objects stored therein, each object having unique

Art Unit: 2456

information and a URL (Uniform Resource Locator) for accessing to said information processing server for updating said plurality of objects (Takahashi et al. – Column 5, lines 37-54 recite the client performing an install request from a server and associated encryption key. Column 24, lines 1-2 recite the use of URL; Figure 4, item 105 recites a plurality of objects and unique credit card numbers); and

at least one [sic] terminal being connected to said network for transmitting an install request including an install list including said unique information and the URL of an object among said plural objects that is necessary for installation (Takahashi et al. – Column 5, lines 37-45 recite the client performing an install request from a server. Column 18 lines 51-57 recite the client indicating the list of items for the server to send. Column 24, lines 1-2 recite the use of URL in installation),

said information processing server referring to said install list to select an object for transmission from said plural objects stored in said server storage device to transmit the selected object (Takahashi et al. –Column 24, lines 1-2 recite the use of URL referencing. Column 18, lines 56-57 recite the transmission to the client).

Takahashi does not explicitly disclose, but Cedola et al. disclose an invention substantially as claimed, including mobile terminal (Cedola et al. – Claim 11 recites the first data store {server} connected to a second data store {mobile device} via a network for sync operations).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the use of mobile devices taught by Cedola et al., with terminal being connected to said network taught by Takahashi et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to expand the network connection to include wireless clients.

As to Claims 3, 18 and 33, Takahashi et al. disclose an invention substantially as claimed, including an information processing system, mobile terminal and information processing server respectively, comprising:

an information processing server connected to a network and including a server storage device having a plurality of objects stored therein (Takahashi et al. – Column 5, lines 37-54 recite the client performing an install request from a server and associated encryption key. Column 24, lines 1-2 recite the use of URL; Figure 4, item 105 recites a plurality of objects and unique credit card numbers); and

at least one mobile terminal connected to said network and including a terminal storage device having stored therein an object group among said plural objects (Takahashi et al. – Column 5, lines 37-45 recite the client performing an install request from a server. Column 18 lines 51-57 recite the client indicating the list of items for the server to send.),

said mobile terminal sending an install request to said information processing server (Takahashi et al. – Column 5, lines 37-45 recite the client performing an install request from a server.);

said install request including an install list representing a needed object among said plural objects that is necessary for installation (Takahashi et al. –Column 18 lines 51-57 recite the client indicating the list of items for the server to send) and

Art Unit: 2456

Takahashi et al. do not disclose, but Cedola et al. disclose an invention substantially as claimed, including an installed list representing said group of objects installed in said terminal storage device, said information processing server also referring to said installed list to form a list of unneeded objects, among the objects of said group of objects, said unneeded object being an objects which becomes unnecessary when said selected object has been installed on said terminal storage device, said information processing server sending said selected object and the list of unneeded objects to said mobile terminal (Cedola et al. – Claim 11 recites the determination of the list of objects that need to be changed or deleted on the second data store, and determines the actions of change or deletion to be performed by the second data store); and

said information processing server referring to said install list to select an object for transmission from said plural objects stored in said server storage device (Cedola et al. – Claim 11 recites the determination of the list of objects that need to be changed or deleted on the second data store, and determines the actions of change or deletion to be performed by the second data store).

The motivation and obviousness arguments are the same as in Claim 1.

As to Claims 2, 4, 17, 19, 32 and 34, the combination of Takahashi et al. and Cedola et al. discloses an invention substantially as claimed, including the system according to claims 1, 3, 16, 18, 31 and 33 respectively, wherein

said mobile terminal includes a terminal storage device having stored therein a group of objects among said plural objects (Cedola et al – Claim 11 recites objects that exist on the second data store),

wherein said install request further includes an installed list including therein unique information and a unique URL of said group of objects (Takahashi et al. – Column 23, lines 66-67 and Column 24, lines 1-3 recite the list pointing to URL; Column 24, lines 1-2 recite the use of URL for the server containing the group of software objects); and

wherein said information processing server refers to said installed list to form a list of unneeded objects, among the objects of said group of objects, said unneeded object being an object which becomes unnecessary when said selected object has been installed on said terminal storage device, and sends said list of unneeded objects to said mobile terminal along with said selected object (Cedola et al. – Claim 11 recites the determination of the list of objects that need to be changed or deleted on the second data store, and determines the actions of change or deletion to be performed by the second data store).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine wherein said information processing server refers to said installed list to form a list of unneeded objects, among the objects of said group of objects, said unneeded object being an object which becomes unnecessary when said selected object has been installed on said terminal storage device, and sends said list

Art Unit: 2456

of unneeded objects to said mobile terminal along with said selected object taught by Cedola et al., with the list of items to be sent to the client taught by Takahashi et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to alert the client which objects the client can delete to make room for the new application (Cedola et al. - Claim 11).

As to Claims 5, 46, 57, 20, 35 and 68, the combination of Takahashi et al. and Cedola et al. discloses an invention substantially as claimed, including the system according to claims 2, 4, 19, 17, 32 and 34 respectively, wherein

said mobile terminal installs the selected object sent from said information processing server in said terminal storage device, said mobile terminal referring to the list of unneeded objects sent from said information processing server to delete said unneeded objects from said group of objects (Cedola et al. – Claim 11 recites the determination of the list of objects that need to be changed or deleted on the second data store, and determines the actions of change or deletion to be performed by the second data store), and

wherein said selected object and the deleted objects are stored in said terminal storage device as an updated group of objects by said mobile terminal (Cedola et al. – Claim 11 recites the update of the second data store's record of installed objects).

The motivation and obviousness arguments are the same as in Claim 2.

As to Claims 6, 47, 21, 58, 36 and 69, the combination of Takahashi et al. and Cedola et al. discloses an invention substantially as claimed, including the system according to claims 5, 46, 20, 57, 35 and 68 respectively, wherein

said install request further includes terminal identification information for discriminating said mobile terminal (Takahashi et al. – Column 26, lines 8-13 recite the use of the terminal's ID for discriminating purposes),

said information processing server forming a list of state of use of the objects in said server, responsive to said install request, to store said list in said server storage device (Cedola et al. – Claim 11 recites the altered record after synchronization; Takahashi et al. – Column 6, lines 1-3 recite the list of software objects in the storage server) and

said list of state of use of the objects having therein said terminal identification information (Cedola et al. – Claim 11 recites the altered record after download), said unique information and the URL of the unneeded object (Takahashi et al. – Column 23, lines 66-67 and Column 24, lines 1-3 recite the list pointing to URL), presently deleted, said unique information and the URL of said group of objects having said unneeded object deleted (Cedola et al. – Claim 11 recites the altered record after download), and said unique information and the URL of presently newly installed selected object (Takahashi et al. – Column 23, lines 66-67 and Column 24, lines 1-3 recite the list pointing to URL), stated by said information processing server (Cedola et al. – Claim 11 recites the altered record after download).

The motivation and obviousness arguments are the same as in Claim 2.

As to Claims 8, 49, 23, 60, 38 and 71, the combination of Takahashi et al. and Cedola et al. discloses an invention substantially as claimed, including the information processing system according to claims 5, 46, 20, 57, 35 and 68 respectively, wherein said information processing server refers to said install list to select said needed object from said plural objects stored in said server storage device (Cedola et al. – Claim 11 recites the determination of the list of objects that need to be added, changed or deleted on the second data store, and determines the actions of change or deletion to be performed by the second data store);

said information processing server referring to said installed list to select from said plural objects stored in said server storage device a link object including said unique information and the URL, said link object being linked to said needed object and not being stated in the installed list, said information processing server sending said needed object and said link object to said mobile terminal as said selected object (Cedola et al. – Claim 11 recites the determination of the list of objects that need to be added, changed or deleted on the second data store, and determines the actions of change or deletion to be performed by the second data store. Takahashi et al. – Column 23, lines 66-67 and Column 24, lines 1-3 recite the list pointing to URL).

The motivation and obviousness arguments are the same as in Claim 2.

Art Unit: 2456

17. Claims 7, 48, 22, 59, 37 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Takahashi et al. and Cedola et al. as applied to claim 6 above, and further in view of US 7,171,651 (Greenberg et al.).

As to Claims 7, 48, 22, 59, 37 and 70, the combination of Takahashi et al. and Cedola et al. discloses an invention substantially as claimed, including the information processing system according to claims 6, 47, 21, 58, 36 and 69 respectively, wherein

said mobile terminal sends to said information processing server a recovery request, as said install request, for restoring the updated group of objects, installed in said terminal storage device, to said group of objects (Takahashi et al. - Column 5, lines 37-43 recite the request for required software from the server),

said recovery request including a recovery request list having stated therein by said mobile terminal said terminal identification information and said unique information as well as the URL of said updated group of objects installed in said terminal storage device (Takahashi et al. – Column 23, lines 66-67 and Column 24, lines 1-3 recite the list containing URL and address information); and

said information processing server referring to said recovery request list and the list of State of use of the objects stored in said server storage device to select from said plural objects stored in said server storage device said unneeded object to be installed by said mobile terminal in said terminal storage device (Cedola et al. – Claim 11 recites the determination of the list of objects that need to be added, changed or deleted on the

Art Unit: 2456

second data store, and determines the actions of change or deletion to be performed by the second data store); and

said information processing server forming a list of unneeded restoration objects, among the objects of said group of objects, having therein the unique information and the URL of the selected object which become unnecessary when the unneeded object has been installed in said terminal storage device, said information processing server transmitting the list of unneeded restoration objects to said mobile terminal along with said unneeded object (Cedola et al. – Claim 11 recites the determination of the list of objects that need to be added, changed or deleted on the second data store, and determines the actions of change or deletion to be performed by the second data store).

The combination of Takahashi et al. and Cedola et al. does not disclose, but Greenberg et al. disclose an invention substantially as claimed, including when a malfunction occurs in executing each object of the group of the updated objects installed in said terminal storage device (Greenberg et al., Col. 2, lines 9-29 recite the generation of the malfunction event report and sending it from the client to the server where it is stored).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine when a malfunction occurs in executing each object of the group of the updated objects installed in said terminal storage device taught by Greenberg et al., with an information processing server connected to a network and including a server storage device having a plurality of objects stored therein and at least one mobile terminal being connected to said network for transmitting an install request

Art Unit: 2456

and said information processing server referring to said install list to select an object for transmission from said plural objects stored in said server storage device to transmit the selected object taught by the combination of Takahashi et al. and Cedola et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to expand a client-server updating system to include an automatic error reporting and recovery system to focus errors reported and relieve the burden of checking on each report manually (Greenberg et al. – Columns 1 and 2, “Background of the Invention” section).

18. Claims 9, 50, 24, 61, 39 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Takahashi et al. and Cedola et al. as applied to claim 8 above, and further in view of US 2004/0002943 A1 (Merrill et al.).

As to Claims 9, 50, 24, 61, 39 and 72, the combination of Takahashi et al. and Cedola et al. discloses an invention substantially as claimed, including the information processing system according to claims 8, 49, 23, 60, 38 and 71 respectively.

The combination of Takahashi et al. and Cedola et al. does not disclose, but Merrill et al. disclose an invention substantially as claimed, including wherein said information processing server forms an install execute sequence for installing said needed object and the link object in a preset sequence and sends said needed object and the link object in said install execute sequence to said mobile terminal (Merrill et al.

Art Unit: 2456

– Page 2, paragraph 0033 recites the server communicating download instructions to mobile computing devices).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine wherein said information processing server forms an install execute sequence for installing said needed object and the link object in a preset sequence and sends said needed object and the link object in said install execute sequence to said mobile terminal taught by Merrill et al., with said information processing server sending said needed object and said link object to said mobile terminal as said selected object taught by the combination of Takahashi et al. and Cedola et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to simplify or eliminate user intervention in downloads (Merrill et al. – Column 2, paragraph 0028).

19. Claims 10, 51, 25, 62, 40 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Takahashi et al., Cedola et al. and Merrill et al. as applied to claim 9 above, and further in view of US 7,272,815 B1 (Eldridge et al.).

As to Claim 10, 51, 25, 62, 40 and 72, the combination of Takahashi et al., Cedola et al. and Merrill et al. discloses an invention substantially as claimed, including the information processing system according to claims 9, 50, 24, 61, 39 and 72 respectively.

Art Unit: 2456

The combination of Takahashi et al., Cedola et al. and Merrill et al. does not disclose, but Eldridge et al. disclose an invention substantially as claimed, including wherein if the communication between said mobile terminal and the said information processing server is interrupted during the install processing as from transmission of said install request from said mobile terminal to said information processing server until the object from said information processing server is installed in said terminal storage device, said information processing server discontinues the install processing in accordance with said install execute sequence (Eldridge et al. – Column 121, lines 35-45 recite the discontinuation of installation upon a crash, which interrupts the communication, and the ability to restart the installation upon the user's command);

said mobile terminal sending an installation re-initiating request to said information processing server in case the communication between said mobile terminal and the said information processing server is possible (Eldridge et al. – Column 121, lines 35-45 recite the discontinuation of installation upon a crash, which interrupts the communication, and the ability to restart the installation upon the user's command. The mobile terminal would send the re-initializing request upon user's restart input); and

said information processing server on receipt of said installation re-initiating request re-initiating the discontinued install processing in accordance with said install execute sequence (Eldridge et al. – Column 121, lines 35-45 recite the discontinuation of installation upon a crash, which interrupts the communication, and the ability to restart the installation upon the user's command. Once said restart command is given, installation restarts with previously unsuccessful loads).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine wherein if the communication between said mobile terminal and the said information processing server is interrupted during the install processing as from transmission of said install request from said mobile terminal to said information processing server until the object from said information processing server is installed in said terminal storage device, said information processing server discontinues the install processing in accordance with said install execute sequence and said mobile terminal sending an installation re-initiating request to said information processing server in case the communication between said mobile terminal and the said information processing server is possible and said information processing server on receipt of said installation re-initiating request re-initiating the discontinued install processing in accordance with said install execute sequence taught by Eldridge et al., with the downloading of objects taught by the combination of Takahashi et al., Cedola et al. and Merrill et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to allow the flexibility to restart a download in the event of an unsuccessful attempt (Eldridge et al. – Col. 121, lines 35-46).

20. Claim 75 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Takahashi et al., Cedola et al. and Greenberg et al. as applied to claim 70 above, and further in view of US 4,437,156 (Christopher et al.).

As to Claim 75, the combination of Takahashi et al., Cedola et al. and Greenberg et al. discloses an invention substantially as claimed, including the information processing system according to claim 70, and

wherein when said set-up program code, stored in said server storage device, is updated to a latest set-up program code, said information processing server refers to said list of state of use of the objects to transmit said latest set-up program code associated with each of the objects of the updated object group, among the plural objects stored in said server storage device, to said mobile terminal (Cedola et al. – Claim 11 recites the determination of the list of objects that need to be changed or deleted on the second data store, and determines the actions of change or deletion to be performed by the second data store);

said mobile terminal updating said set-up program code stored in said terminal storage device to said latest set-up program code (Greenberg et al., Col. 2, lines 9-29 recite the generation of the malfunction event report and sending it from the client to the server where it is stored).

The combination of Takahashi et al., Cedola et al. and Greenberg et al. does not disclose, but Greenberg et al. discloses an invention substantially as claimed, including wherein a plurality of said set-up program codes, associated with said plural objects (Christopher et al. - Col. 118, lines 66-68 recites the capture of program location where error occurred), are stored in said server storage device (Greenberg et al., Col. 2, lines 9-29 recite the generation of the malfunction event report and sending it from the client to the server where it is stored).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine a set-up program code associated with each of the objects taught by Christopher et al., with the malfunction report taught by the combination of Takahashi et al., Cedola et al. and Greenberg et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to provide the user/system a pointer of where the program failed for troubleshooting and recovery purposes (Christopher et al. – Col. 118, lines 64-65).

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the previous Office Action for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard G. Keehn whose telephone number is 571-270-5007. The examiner can normally be reached on Monday through Thursday, 9:00am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2456

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RGK

/Bunjob Jaroenchonwanit/
Supervisory Patent Examiner, Art Unit 2456